

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA**

GRADY O. HUMPHREYS, et al.,

Plaintiffs,

v.

**A. O. SMITH ELECTRICAL
PRODUCTS COMPANY, a division of
A.O. SMITH CORPORATION, et al.,**

Defendants.

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**CIVIL ACTION NO.:
2:07-CV-607-WKW**

**RAPID AMERICAN CORPORATION'S MOTION TO DISMISS,
OR IN THE ALTERNATIVE, MOTION TO SEVER AND FOR MORE
DEFINITE STATEMENT**

COMES NOW Defendant, RAPID AMERICAN CORPORATION, and moves this Honorable Court to dismiss Plaintiff's Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6) for failure to state a claim upon which relief may be granted in that it fails to comply with Rule 8 of the Federal Rules of Civil Procedure. Defendant further moves to dismiss the claims of certain Plaintiffs for failure to comply with Alabama's statute of limitations. In the alternative, Defendant moves for an order severing the claims of the Plaintiffs under FRCP 20 and for an Order requiring Plaintiffs to provide a more definite statement of their claims under FRCP 12(e).

WHEREFORE, Defendant RAPID AMERICAN CORPORATION prays that its Motion be granted and for such other and further relief this Honorable Court deems necessary and proper.

Respectfully submitted,

/s/ E. L. McCafferty, III
E. L. McCAFFERTY, III (ASB-6710-C64E)

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OF COUNSEL:

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CERTIFICATE OF SERVICE

I hereby certify that I have on this 6th day of February, 2008, served a copy of the foregoing by electronic means via the CM/ECF to those registered with the CM/ECF.

/s/ E. L. McCafferty, III